

LOS ANGELES POLICE COMMISSION

Review of the Department's use of the Professional Standards Bureau's Racial Profiling Investigative Protocols



Conducted by

OFFICE OF THE INSPECTOR GENERAL

ANDRÉ BIROTTE, JR.
Inspector General

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I. Introduction

The Office of the Inspector General (OIG) last examined cases that included allegations of racial profiling for the Quarterly Discipline Report for the Fourth Quarter of 2006. That review was conducted at the request of the Police Commission (Commission) for the Los Angeles Police Department (LAPD or Department).

Racial Profiling Investigations Protocols (Protocols) for investigating racial profiling allegations were adopted by the Commission on May 15, 2007. At the October 2, 2007 Commission meeting, the OIG was asked to review racial profiling investigations to determine whether the Protocols are being properly utilized in current racial profiling investigations. The results of our review are compiled in this report.

The Protocols begin with a definition of racial profiling from an International Association of Chiefs of Police publication:

Any police activity that relies on the race, ethnicity, or national origin rather than the behavior of an individual or information that leads police to a particular individual who has been identified as being, or having been, engaged in criminal activity.

“Racial Profiling” at its core concerns the invidious use of race or ethnicity as a criterion in conducting stops, searches, and other law enforcement investigative procedures. It is premised on the assumption that any particular individual of one race or ethnicity is more likely to engage in misconduct than any particular individual of another race or ethnicity.

The Protocols establish distinct steps an Investigating Officer (I/O or investigator) at Internal Affairs Group (IAG) shall take when investigating complaints where at least one allegation involves racial profiling. The steps are divided among activities other than those that are self-initiated (where the officer responds to a radio broadcast or citizen flag-down) and self-initiated activities (where an officer stops someone using his/her own discretion).

For the “Other than Self-Initiated Activities,” the Department requires that the following steps shall be taken:

- Interview the complainant to assess the viability of the racial profiling accusation, specifically examining complainant’s perspective regarding the behavior displayed by the accused.
- Determine if outside information (e.g., radio call or citizen flagdown) could have factored into the accused’s decision to detain the complainant.
- If outside information was a factor, determine if the detention was reasonable, looking at whether the complainant matched the description in the radio call and evaluating the factors the accused relied upon to conclude that there was a “match.”

- Examine any documentation related to the stop and include as addenda.
- If there are no other extenuating circumstances and the reason for the detention, search or other law enforcement activity is reasonable, legal and justified, no further investigation is necessary.

With respect to the “Self-Initiated Activities,” the Department requires that the following steps shall be taken:

- Gather all pertinent documents that could be related to the investigation.
- Interview all witnesses, including the complainant, and canvass the location.
- With respect to the accused interview, ask the officer to articulate the reason for the stop, search, or detention; ask the officer to give additional details if the reason for the stop was “officer safety,” an “uncooperative” complainant, or the “high crime area”; ask the officer to explain further if he/she says that race or ethnicity was a factor in the stop or detention; ask the officer to articulate the reason for the search if there was one; ask the officer about peripheral factors, if relevant, such as lighting conditions, distance away from the complainant when making original observations, and tinted windows; identify and resolve inconsistent statements; ask follow-up questions as appropriate; and examine the officer’s stop-data history as appropriate.
- Use additional investigative tools, as necessary, to complete the investigation.

The Department lists other considerations to be applied when “Racial Profiling” is the only allegation and can be disproved from the complainant’s statement and there is no other evidence; or, the complainant cannot articulate any behavior on the part of the officer that can be construed as racial profiling and there is probable cause for the detention, search, or other law enforcement activity. In those cases, the I/O shall decide if officer interviews are necessary to determine whether or not probable cause existed and the actions taken were reasonable.

The Department also emphasizes that every complaint with a racial profiling allegation will be reviewed by the Commanding Officer (CO) of either the Criminal Investigation Division or Administrative Investigation Division of Professional Standards Bureau (PSB) prior to distribution to the Area CO for adjudication. Moreover, the Department has developed a checklist, which generally incorporates the concepts outlined in the Protocols above, that investigators assigned to racial profiling investigations must complete and include in the investigation file.¹

II. Methodology

A. Selection of Population

Because the Protocols were adopted by the Commission on May 15, 2007, the OIG reviewed cases in which interviews of either the complainant or the accused officer(s) were conducted on or after May 15, 2007, or in which the complaint itself was initiated on or after May 15, 2007.

¹ This investigation checklist was included in a PSB notice issued by the CO of PSB on February 15, 2007, that was later incorporated into the May 15, 2007 Protocols.

We further limited the cases reviewed to those closed during the Third Quarter of 2007.² Using this time frame to obtain our population, OIG staff utilized the Department's Complaint Management System (CMS) to generate a list of all cases in which there was at least one allegation of racial profiling that were closed during the time period selected, regardless of adjudication. There were seven such cases. One case was generated due to an Ethics Enforcement Section complaint intake audit to evaluate whether the LAPD employee contacted would take a complaint, and was not the subject of a true complaint. Therefore, there was no subsequent investigation, and this case was de-selected from our review. Because of the small number of cases, the OIG reviewed all six cases.

B. Evaluation of Investigations and Review of Audio-Recorded Interviews

The OIG conducted in-depth reviews of the six investigations that fell within the criteria. In conducting this review, two matrices were used to evaluate the investigations of the selected cases. First and second level reviewers evaluated each matrix for each case. The first matrix contained 30 questions designed to evaluate whether the investigators utilized the Protocols and whether the investigation and adjudication properly addressed the complainant's allegation of racial profiling. The second matrix used was the standard 35 question matrix the OIG utilizes for reviewing cases in order to evaluate the overall quality, completeness, and findings of the investigation.

OIG staff also reviewed audio-recorded interviews in the four cases in which interviews were conducted. In three of these cases, we noted that investigators did not book the audio-recordings of these interviews until requested to do so by OIG staff.³ In reviewing the audio-recorded interviews, OIG staff utilized another matrix containing 17 questions designed to evaluate whether: (1) the interviews were properly paraphrased to include all relevant testimony; (2) all allegations raised by the complainant were properly formed; (3) any additional allegations raised during the interviews were addressed in the completed investigation; (4) the interviews themselves were conducted properly (e.g., whether the interviewer used inappropriate or leading questions, or adopted a hostile or inappropriate tone with the witness); and (5) logical follow-up questions were asked by the interviewer.

III. Findings

Although investigators utilized some of the questioning from the Protocols,⁴ the OIG found that in five of the six of the cases we reviewed, the investigators did not gather all of the relevant and material information that was available to them. In the cases reviewed, one or more of the deficiencies listed below was noted:

- The I/O did not interview complainants, witnesses, and/or accused officers.
- The I/O did not complete a Racial Profiling Checklist as required.
- The I/O did not provide enough information in paraphrased statements for the adjudicator to make an informed decision.

² The Third Quarter ran from July 1 to September 30, 2007.

³ We advised the CO of IAG of this issue.

⁴ Such as asking the accused officer whether the officer observed the complainant's race prior to the stop.

- The rationale for some adjudications were not supported by the investigations.
- The I/O did not expressly mention the Protocols, nor any of the relevant investigative steps outlined therein, in the documentation provided.

The results of our review of all six cases are described in more detail below.

CF No. 06-4728

A. Summary

This investigation involved an African American complainant who alleged that two Caucasian officers stopped him because of his race. The complainant also stated that he has been the victim of ongoing racial profiling since 1993 because of his race, where he lives, and his vehicle (a red Cadillac). In addition, the complainant also alleged that one of the accused officers knew him from a prior incident where the complainant requested that the officer call his/her watch commander, to which the officer allegedly responded, “you call the f----- watch commander,” and left. In this case, the complainant was originally stopped for speeding but was also eventually cited for tinted windows and an expired vehicle registration tag. According to the complainant, the officers did not “bumper pace” him and therefore could not have seen if he was speeding and could not have seen his expired registration tag because they were traveling in the opposite direction when they initially saw him. The complainant refused to sign the citation without a supervisor present and therefore a supervisor responded to the scene. The supervisor who responded took a complaint, however the complainant refused to allow his statement to be tape-recorded by the supervisor. During the course of the investigation, the I/O attempted to contact the complainant for an interview, but the complainant did not respond to the requests.⁵ The allegation of racial profiling was adjudicated as “Unfounded” and the allegation of Discourtesy was adjudicated as “Insufficient Evidence to Adjudicate”.

B. Analysis of the Investigation

1. Paraphrased Statements

Both of the accused officers were interviewed, but there was a lack of detail provided in the paraphrased statements in the investigation. For example, the I/O did not document the officers’ explanations of how they first determined the complainant was traveling at a high rate of speed. This is important information because, although the complainant denied it, the officers’ observation that the complainant was traveling at an unsafe speed was the probable cause given for the traffic stop. Furthermore, the officers documented on the Notice to Appear citation that the complainant was observed traveling in one area; however the location of the traffic stop per the officers’ log was listed as a different (although nearby) area. Clarifying some of the differences between the complainant’s and officers’ versions would have been useful information to include in the paraphrased statement. These details would have assisted the adjudicator in evaluating the credibility of the officers’ statements as to their reasons for stopping the complainant. We noted that these questions were asked and clarified during the tape-

⁵ The complaint was initiated on August 30, 2006. The I/O attempted to contact the complainant on May 18, 2007. The officers were interviewed on June 7, 2007, and June 12, 2007. The case was adjudicated on July 13, 2007.

recorded interview of only one of the accused officers. One of the officers explained that the complainant was traveling at a rate of speed that made them unable to stop him at the location where the officers first observed the violation. One of the officers was certified through radar school to estimate the speed of a vehicle within 3.2 miles of the actual speed. However, the adjudicator/reviewer could not have determined this information without listening to the tape-recorded interview, as it was not included in the paraphrased statement.

2. Tape Review

We noted a lack of follow up questions during the tape-recorded interview of the officer who initially noticed the race of the driver prior to the stop (Officer A). The paraphrased statement of Officer A indicated that the complainant had his window partially rolled down and that was how Officer A was able to determine the race of the complainant. The I/O then asked Officer A if he/she stopped the complainant because of his race. While this is an important question to ask, we believe the I/O could have asked additional, more detailed questions to clear up exactly how the incident occurred from start to finish, such as how Officer A determined the driver was speeding or if he/she discussed the race of the driver/complainant with his/her partner prior to the stop. Instead the I/O jumped immediately to questions related to what happened after the stop. As documented by the supervisor that responded to the scene, the complainant felt that “he was being targeted or racially profiled by officers, and that was the reason for the stop.” Yet, the I/O focused nearly all of the questioning on what happened right after the officers observed the complainant speeding.

3. Adjudication Rationale

The adjudicator stated that “Clearly, [the complainant’s] lack of cooperation casts a dark shadow of suspicion as to the veracity of his claims.” While the lack of cooperation by the complainant is certainly one factor among many that may be considered during and after an investigation, we do not agree that the complainant’s lack of cooperation in the complaint investigation process should be used to such a large degree by the adjudicator to discount his/her statements or claims. Indeed, Consent Decree Paragraph 86 provides that the unavailability of a complainant to make a statement shall not be a basis for adjudicating a complaint without further attempt at investigation. After bringing the alleged misconduct to the attention of the Department, a complainant does not have to provide any additional details of the incident and not doing so should certainly not cast a “dark shadow of suspicion” over any claims of misconduct. Especially, given that the complainant alleged that he has been a victim of racial profiling since 1993, and the I/O attempted to contact him nine months after he made the complaint. It is therefore reasonable to expect that someone who claims such prolonged negative interactions with the police may be reluctant to cooperate with members of the Department during an investigation.

Further, the adjudicator used the observations of a supervisor to support the account of the incident provided by the involved officers. However, the supervisor did not observe the traffic stop or any actions taken prior to the stop. In addition, differences between the accounts of the incident given by the complainant and the involved officers were not resolved during the investigation and do not appear to have been considered in the rationale.

4. Review of Officers' Work Product

We noted that, although not required by the Protocols, the I/O did not review a sample of the accused officer's citations and stop data. Examining the officer's work product to establish whether any racial profiling patterns exist (e.g., issuing a disproportionate number of citations to members of a specific race) is an investigative tool suggested in the Protocols. We note that utilizing this tool can make the investigation more thorough and help in the adjudication process.

5. Racial Profiling Checklist

The I/O did not complete a Racial Profiling Checklist in this case, as required by the Racial Profiling Notice issued by the CO of PSB on February 15, 2007.

6. Racial Profiling Protocols

The I/O did not expressly mention the Protocols, nor any of the relevant investigative steps outlined therein, in the documentation provided. It should be noted, however, that the audio recorded interviews revealed that the investigator did ask pertinent questions similar to those required by the Protocols, such as whether the officer observed the complainant's race prior to the stop.

CF No. 07-000596

A. Summary

This investigation involved a complaint that was submitted in a written letter attached to a complaint form. According to the complainant, she was cited for conducting an illegal U-turn but the officers had to pass another citizen who conducted the same infraction in order to pull her over. The complainant questioned the citing officer as to why he/she had chosen to stop her rather than the car that negotiated the illegal U-turn right in front of the police vehicle. The complainant wrote that the officer first responded that "[he/she] did not see the car," and then when asked a second time, contradicted himself/herself and responded that "they had to make a choice and decided to pull [her] over instead of the other car." The complainant noted that the only difference between herself and the other violator was her race and the race of her passenger. The complainant and her passenger are African-American.⁶ The complainant also included in her complaint that "the tones used and responses to [her and her passenger] were indignant and degrading."

According to the I/O notes, the letter written by the complainant was specific enough to address all issues needed to investigate the complaint without conducting a tape-recorded interview, though the officers were interviewed.⁷ The racial profiling allegation was adjudicated as "Unfounded". The adjudicator concluded that the complainant's contention that the officer was "indignant and degrading," lacked supporting statements. In addition, the adjudicator determined that the complainant made a critical mistake by stating that the officer had offered to

⁶ The officers involved are Asian and Caucasian.

⁷ The complaint was initiated on January 30, 2007. The officers were interviewed on July 12, 2007, and July 19, 2007. The complaint was adjudicated on July 27, 2007.

have the “Captain” respond to the scene and speak with her, which exposed her lack of truthfulness due to the fact that an officer of that rank would not respond to this type of incident.

B. Analysis of the Investigation

1. Interviews

The complainant was not interviewed. The Protocols indicate that the complainant and witnesses shall be interviewed. We believe that it is contradictory to state that the information in the complaint is sufficient to investigate the allegations without a tape-recorded interview, when the I/O noted that the complainant did not provide supporting statements for the allegation of discourtesy. In addition, by not interviewing the complainant, the I/O missed an opportunity to thoroughly evaluate the central question of whether race played a role in the officers’ decision to conduct a traffic stop. Because the I/O did not interview the complainant, the investigation falls short of being able to support either the complainant’s allegation of racial profiling or the officer’s contention that race did not play a role in the stop.⁸

The passenger in the complainant’s vehicle was not interviewed. According to the I/O, the passenger witness was not interviewed because “absent specific statements made by [the accused officers] an interview with [the complainant’s] passenger would not be beneficial to the investigation and therefore, was not conducted.” We disagree and believe the I/O should have interviewed the witness because he/she may have possessed some relevant insight into the event. Again, the I/O missed an opportunity to expand upon the complainant’s statement, and did not to comply with the Protocols.

Our review further revealed that the complainant and one of the accused officers each gave differing accounts of the location of the police vehicle in relation to the complainant and the other driver during the incident, yet the I/O did not include this information in the paraphrased statements. Knowing that there are differences in the accounts of an incident may help assess credibility of the persons involved and ultimately change an adjudication.

2. Adjudication Rationale

The adjudicator stated that the complainant lacked credibility because of an error in her account of the incident. Specifically, the adjudicator took issue with the complainant’s statement that one of the officers offered to have a Captain respond to the scene and speak with her. The adjudicator relied upon this error as evidence that her statements and account of what happened were untruthful. Perhaps the complainant did not have an in-depth understanding of law enforcement hierarchy and made a mistake in naming the rank of an officer. We do not believe that it necessarily means that she was being untruthful, nor do we believe that it is a sufficient basis to determine that the complainant lacked credibility. Further, the adjudicator stated that the

⁸ The Department lists other considerations to be used when “Racial Profiling” is the only allegation and can be disproved from the complainants statement and there is no other evidence; or, the complainant cannot articulate any behavior on the part of the officer that can be construed as racial profiling and there is probable cause for the detention, search, or other law enforcement activity. In those cases, the I/O shall make a determination as to whether officer interviews are necessary to determine whether or not probable cause existed and the actions taken were reasonable. These exceptions did not apply in this case.

complainant's contention that one of the officers was "indignant and degrading" lacked supporting statements. However, this was at least in part due to the fact that the I/O did not interview the complainant or passenger witness.

3. Review of Officer's Work Product

The I/O did not review a sample of the accused officer's citations and stop data. In this particular case, the complainant specifically alleged that the officer cited her because of her race, while not citing a person of a different race. Viewing the officer's ticket information for that day may have shown that he cited people of varying ethnicities equally. On the other hand, it could also show that he disproportionately issued citations to individuals that match the complainant's race. The OIG believes this type of inquiry may assist in the adjudication process.

4. Racial Profiling Checklist

The I/O did not complete a Racial Profiling Checklist in this case.

5. Racial Profiling Protocols

The I/O did not expressly mention the Protocols in this case, but did ask pertinent questions similar to those required by the Protocols, such as whether the officer observed the complainant's race prior to the stop.

CF No. 06-4774

A. Summary

This investigation involved a complainant who alleged that her son was arrested because he is African American. The complainant based this on the fact that her son was the only person arrested for the robbery of a pizza deliveryman while two other suspects, who are of different races, were not arrested. The complainant also alleged that the officer investigating the robbery was rude to her and her daughter over the telephone. The racial profiling allegation was adjudicated as "Unfounded", and the Discourtesy allegation was adjudicated as "Non-Disciplinary—Employee's Actions Did Not Rise to the level of Misconduct".⁹

B. Analysis of the Investigation

1. Adjudication Rationale

The adjudicator stated that the complainant's "assertion that the two outstanding suspects were not arrested because they were of Hispanic and Middle Eastern descent lacks further merit because the complainant's son refused to cooperate and identify them and the investigation was unable to determine their identities." Our review of the complaint investigation indicates that the adjudicator's statement is not supported by facts. According to the criminal investigation, which

⁹ The complaint was initiated on September 1, 2006. The complainant was interviewed on June 18, 2007, and the officer was interviewed on July 3, 2007. The complaint was adjudicated on July 31, 2007.

was included in the complaint investigation, the complainant's son eventually cooperated and the identity of the two other suspects was obtained.

2. Interviews

The complainant's son should have been interviewed. In this case, the complainant's son was a relevant witness. The I/O could have possibly verified the information he gave the accused officer to help determine the racial background of the other two suspects and whether or not they were eventually arrested.

3. Racial Profiling Protocols Review

The I/O did not expressly mention the Protocols in this case, but did ask pertinent questions similar to those required by the Protocols, such as whether race was the reason for the arrest.

4. Tape Review

The I/O provided a great amount of detail in the paraphrased statement of the tape-recorded interview of the accused officer.

CF No. 06-3992

A. Summary

This investigation involved a Hispanic complainant who alleged gender bias and racial profiling due to the fact that she received a speeding citation, while other drivers, driving at the same speed, did not. The complainant further alleged that the accused officer (who is Caucasian) yelled at her when she was going to sign the citation in the incorrect spot. The complainant, accused officer, and the responding supervisor were all interviewed, and the racial profiling/gender bias allegation was adjudicated as "Unfounded", while the Discourtesy allegation was adjudicated as "Exonerated".¹⁰

B. Analysis of the Investigation

1. Interviews

All involved parties were interviewed in this case, and we agree that the investigation revealed no evidence of racial profiling on the part of the accused officer. However, the investigation revealed inconsistencies that were not resolved by the I/O regarding the demeanor of both the accused officer and the complainant during the incident. We do not believe that sufficient follow-up questions were asked of those interviewed by the I/O to attempt to resolve those inconsistencies. The complainant alleged that the officer was discourteous when he/she yelled at her because she signed the traffic citation in the wrong place. The supervisor who responded to the scene, however, reported that the accused officer told him/her that it was the complainant

¹⁰ The complaint was initiated on May 30, 2007. The complainant was interviewed on May 31, 2007, and the officers' interviews were conducted on June 7, 2007, and June 21, 2007. The complaint was adjudicated on July 18, 2007.

who yelled at the officer during the stop. The accused officer gave a third version of the incident. He/she told the I/O that the complainant was cooperative during the traffic stop and never gave him/her a reason to yell or raise his/her voice. The I/O did not address these inconsistencies regarding the officer's and complainant's demeanor and actions during the traffic stop.

2. Review of Officer's Work Product

The I/O did not review a sample of the accused officer's citations and stop data. The investigation did not reveal racial profiling to be a factor, but utilizing this tool makes the investigation more thorough and may help in the adjudication process.

3. Racial Profiling Protocols

The I/O did not expressly mention the Protocols in the documentation provided. It should be noted, however, that the audio recorded interviews revealed that the accused officer volunteered information relevant to the complainant's racial profiling allegation prior to being asked by the I/O. Specifically, the accused officer advised that he could not observe the complainant's race, because her windows were tinted. Furthermore, the I/O did ask pertinent questions similar to those required by the Protocols, such as whether the officer observed the complainant's race prior to the stop.

4. Racial Profiling Checklist

The I/O did not complete a Racial Profiling Checklist in this case.

CF No. 07-000927

A. Summary

In this case, a Hispanic driver was pulled over by a Caucasian officer, and the officer audiotaped their encounter.¹¹ The officer cited the complainant for having tinted windows on the vehicle and for failure to have the vehicle's license plates affixed. During the course of the stop the complainant asked for a warning and the officer refused. The officer stated to the complainant that the violations listed on the citation would be listed as correctable. A verbal exchange ensued between the two. The complainant stated that he felt the officer was speaking to him in a discourteous manner, and requested a supervisor, stating that he would not sign the citation until a supervisor was present. When the supervisor arrived, the complainant alleged that the officer was discourteous, and the supervisor indicated that a complaint would be taken. While the supervisor and the complainant were discussing what had transpired, the complainant stated that this was the second time that he had driven the vehicle. At the conclusion of their conversation, the complainant agreed to sign the citation. At this point, the accused officer told the complainant that he/she had changed the license plate violation to a non-correctable offense because the complainant had indicated that he had driven the vehicle in the past without the license plates. The complainant then stated that he felt the accused officer was "being racist"

¹¹ The complaint was initiated on February 13, 2007, and adjudicated on July 10, 2007.

with him, and that the change in the type of citation was due to the fact that he was complaining against the accused officer. These additional allegations were added to the complaint by the supervisor. All three of the complainant's allegations, discourtesy, retaliation and racial bias, were adjudicated as "Demonstrably False", based upon review of the audio-recording of the incident.

B. Analysis of the Investigation

1. Racial Profiling Protocols

It was clear that the I/O in this case was acquainted with some version of the racial profiling protocols¹² and referred directly to them within the investigation. The I/O did not interview those involved in the complaint due to the fact that the entire encounter was audio-recorded, but referred to the applicable Protocol exceptions to conducting the interviews. We agree that according to the Protocols, interviews were not necessary as to the racial profiling allegation.

2. Interviews and Adjudication of Retaliation Allegation

We would have preferred that interviews were conducted relevant to the complainant's allegation that the citation was changed because he asked for a supervisor.¹³ The sequence of events gave rise to a perception that the change in citation was "punitive" in nature and interviews may have shed more light on this claim (for example, it may have been revealed by the officer that the complainant had told him earlier that this was the first time he had driven the vehicle and upon hearing the complainant tell his supervisor something different, the office decided to change the citation).

3. Racial Profiling Checklist

The Racial Profiling Investigation Checklist was included in the investigation.

4. Tape Review

No interviews were conducted in this investigation, and therefore there was no tape review.

5. Review of Officer's Work Product

We think that the I/O handling of the racial profiling allegation was appropriate in this case. However, we believe it is prudent in all racial profiling investigations to review some of the work product for the officers involved. As we have discussed previously, it is simply an additional tool for solidifying the adjudication in each case.

¹² The I/O referred to protocols delineated in a February 15, 2007 PSB Notice, which were later incorporated by reference into the May 15, 2007 Protocols. The I/O did not mention the May 15, 2007 Protocols in the investigation.

¹³ We note that the I/O spoke to the accused officer and discussed the case briefly while the I/O was obtaining the tape-recording of the stop.

CF No. 07-002356

A. Summary

The Complaint Face Sheet indicated that an anonymous complainant called a local LAPD station and told the watch commander that officers on a major street were in the process of racially profiling and writing citations to black drivers.¹⁴ According to the Complaint Face Sheet, the complainant was “uncooperative” and refused to answer questions regarding the allegation.¹⁵ The complainant’s call was not recorded. The complaint was adjudicated as “Insufficient Evidence to Adjudicate”. The adjudicator concluded that “[d]ue to the complainants unwillingness to provide additional information needed to properly investigate his concerns the investigation could not continue.” The only documentation provided, other than the Complaint Face Sheet, was a Complaint Adjudication Form, closing the case. It should be noted that this case was included in this report because the complaint was received by a detective at IAG on May 14, 2007, but was sent for close-out on May 17, 2007 (it is unclear whether this detective was assigned as the I/O).

B. Analysis of the Investigation

This case was not investigated due to the lack of information provided by the anonymous complaint. The OIG acknowledges that in a Department that receives in excess of 6000 complaints annually, it would be difficult, if not impractical to investigate a complaint with this limited information. We also note that this telephone call was not recorded, which makes it even more difficult to assess what type of information the complainant provided. Based on the limited information provided, the OIG concurs with the Department’s handling of the investigation.

¹⁴ The cross-street was listed as unknown on the Complaint Face Sheet.

¹⁵ The complaint was initiated on May 4, 2007, and adjudicated on May 29, 2007.

IV. Conclusion and Recommendations

The Protocols for conducting racial profiling investigations were only recently implemented by the Department, and we understand that it may take awhile for the standard outlined by the Protocols to be fully integrated into IAG's investigatory scheme. Our recommendations for further improvement are listed below.

1) We recommend that PSB accelerate training on the use of required documentation for the investigation of racial profiling cases. PSB has already outlined a series of steps it will take to insure that all investigators and supervisors know of and properly utilize the Protocols.

2) We recommend investigators continue to use the checklist in each case. We also recommend that investigators include in the I/O notes that the Protocols have been applied in each case and when appropriate explain within the investigation when the steps outlined in the Protocols do not apply.

3) We recommend that PSB consider requiring that investigators in all racial profiling investigations review some of the work product for the officers involved. As we have discussed previously, the OIG believes it is an additional tool which may assist in the adjudication of cases. We discussed this issue with PSB and agreed to continue with our dialogue about when it is appropriate to review an officer's work product.

4) We recommend that PSB remind investigators of the importance of booking digital recordings of case interviews after the investigation has been closed.

5) We recommend that all chronological records and checklists remain with the complaint investigation for review in the future. We had to separately order the Racial Profiling Checklists and the chronological records at the time of our review. Having this information together provides a complete view of the investigation. We discussed this issue with PSB and they are reviewing it.